

# Czech Republic

Last update: April 2013

## PART 1 – NATIONAL FRAMEWORK

### Overview

National social dialogue	Principal Level of Collective Bargaining		Company	
	Workplace Representation		Union (or works council)	
	Board-level Representation		Yes for state-owned and private enterprises	
National worker representation	The local union grouping is still the main way employees are represented at the workplace. In addition, a Works Council, which has slightly fewer rights, can be set up. Rules which said that a Works Council had to be dissolved if a local union was established were declared to be unconstitutional in 2008. In practice Works Councils are rare. In most cases there is either a union or nothing.			
Principal legal documents on H&S	The Labour Code (Act No. 262/2006 Coll., as amended by Act No. 585/2006 Coll.) is the Czech Republic's fundamental regulation in the area of labour law. In the Labour Code, the rights to information, consultation and participation are clearly laid down, although there are no precise provisions on health and safety committees.  The Labour Code is closely linked to the Act Stipulating Further Requirements for Health and Safety at Work (Act No. 309/2006 Coll.)			
Public authorities on H&S	The Ministry of Labour and Social Affairs (MoLSA)			
Employers' obligations on H&S	The employer shall ensure occupational safety and health protection of employees at work with regard to risks which might endanger his employees' life and health during performance of work. He needs to inform, sufficiently and without delay, the trade union organization or the employee representative for occupational safety and health, and if there is none (at the employer's undertaking), directly his employees of risks and measures adopted according to the information provided by the other employers.			
Worker representative bodies on H&S	Occupational health and safety is central to collective agreements. The provisions of these agreements can be said to have a positive effect on prevention in terms of reducing the number of accidents at work and work-related diseases. It should be highlighted that the national trade union confederation has its own representatives on the Government Council responsible for occupational health and safety and, more specifically, on its occupational safety committees relating to technical equipment and chemical product safety, etc.			
Organisation of the social dialogue on H&S issues within the country	Actors involved		Their role	Scope of influence
	Government Council of Ministry of Labour and Social Affairs (multipartite)		Advisory	National
	Working team for OHS (Tripartite)		Advisory	National
	Higher collective agreements (Bipartite)		Binding	Branch unions
	Company Collective agreements		Binding	Company level
	Professional institutions		counselling	National and local
Specialized H&S bodies on regional, sectorial or another level	Name	Setup conditions	Composition	Role and functions
	Branch trade union specialist on OHS	Depends on unions	Depends on unions	Methodological, training, expert support and assistance

## PART 2 – ENTERPRISE LEVEL: ORGANISATION OF SOCIAL DIALOGUE AND WORKERS' PARTICIPATION ON H&S AT WORK

General organisation and role on H&S issues	Regarding law, the role in H&S is in accordance with Framework Directive. There is a legislative and normative principle, for example I. 309/2006 Sb. and the Labour Code. In practice, the workers representatives are not installed when a trade union representation does not operate in a enterprise.	
Interaction of H&S representation with the general representation of workers	Works Councils are rare. In most cases there is either a union or nothing. This origins in the fact thath employees' representatives can be either the local trade union grouping or a works council.	
Worker representation bodies on H&S at work		
Implementation of worker representation in H&S on enterprise level	All workers	
Thresholds of implementation	No treshold	
Role of the trade unions	Counselling, training and controlling; Information, consultation and participation rights; Cooperation on OHS matters with employer and other actors.	
Composition, mode of nomination or election of members	The H&S representatives are appointed through trade union elections.	
Area of competencies	Work accidents and illnesses, risk assessment, workplace checks,	
Functions	(a) to participate in a consultation on occupational safety and health; (b) to present information, comments and proposals for taking measures concerning occupational safety and health, in particular proposals for the elimination of risks or restriction of their effects if such risks cannot be eliminated; (c) to consult	
Rights of workers' representatives on H&S		
Right of withdrawal, of production stop in case of immediate danger	No (individual right)	
	According to art. 106/2 of the Labour Code and art.22 of the Law on Health and Safety, each individual worker is entitled to refuse to perform assigned work which he reasonably considers as posing direct and significant threat to his life or health, or the lives or health of other individuals; this refusal may not be regarded as the employee's failure to fulfil his obligation. If so, the employee immediately notifies the supervisor. The supervisor has to assess the situation immediately.	
Right to conduct surveys	Yes	
	However, this is not often the case	
Right to require external assessments	Yes	
	However, it always appears there is an issue on who will pay for external assessments.	
Right to lodge an appeal	Yes	
	Theoretically yes, however, it is not very often the case (especially during a crisis period).	
Right to receive training	Yes	
	Representatives committees and groups working conditions are training mandatory for programs, policy and requirements established by ordinance of the Minister of Labour and Social Policy and the Minister of Health. As such, the employer needs to arrange training for the trade union organization and the employees' representative for occupational safety and health and thus enable them the proper exercise of their function.	
	Amount of training	Generally it depends on collective agreements
	Frequency of training	Once or twice a year
Training providers	Specialized organisations provide training; whilst the trade union confederation organises meetings, through their union experts and sometimes with the help of Labour Inspectorate, hygiene service etc.	
	Allocated time during working	
Depending on the collective agreement		

<i>hours to conduct their role</i>	N/A
<i>Protection against sanctions, dismissals in the frame of their mandate</i>	Yes Sanctions and dismissals must be consulted with the trade union organisation. The trade union should approve the decision.
<b>Link and the nature of the relations between the employee representatives and the trade unions</b>	Worker Reps are in most cases trade unionists, hence trade unions play an important role in OHS. There are legislative provisions relating to workplaces with no trade union representation, which apply to undertakings with 10 or more employees. If trade unions do not operate in a enterprise, the workers have a right to elect their Rep (in reality however, this does not work).

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### PART 3 – ASSESSMENT OF THE SOCIAL DIALOGUE AND WORKERS' PARTICIPATION IN THE COUNTRY

#### *Evolution*

Evolution		
Significant changes within the various instruments on H&S issues during the last 5 years	Partly	
	Objectives of these changes	Enhance a strong pro-business environment (small chance to raise demands on OHS); combat the crisis & unemployment rates.
	Management of these changes	N/A
	Effects on the improvement or deterioration of the handling of these issues	Worse working conditions, higher level of stress, more accidents
Assessment of the achievements on H&S issues through social dialogue	Deteriorating	
	Some important milestones	The trade union power is diminishing, as memberships are declining. In combination with the fact that OHS was not a priority for the passed government and the respective ministries, this led to deteriorating evolution.

#### *Perspectives to achieve a good social dialogue and workers' participation on H&S issues*

<b>Missing factors</b>	Missing employers and unions structures (e.g. in many workplaces there are no H&S worker representatives), low awareness on importance of this issue, non-existing national context and system. More legislation, training and building a binding framework could help.
<b>Existing key success factors</b>	Partnership between trade unions and other actors involved in these issues (social dialogue on OHS exist only in enterprises with TU organisation); Trade union education and training; Experience and good practice from the other EU Member States.

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## PART 4 – APPENDICES

### Glossary

<b>Trade Union Control</b>	<i>Right for an independent workplace checks</i>
<b>Branch Trade Union Expert on OHS</b>	<i>Approximately 60 branch experts are working for trade unions</i>
<b>Collective bargaining and agreements</b>	<i>Part of collective agreements related to OHS.</i>

### Interesting links

<a href="http://www.mpsv.cz">http://www.mpsv.cz</a> (Ministry of Labour and Social Affairs –MoLSA)
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### Sources

Trade union contacts	Trade Union of post, and Telecommunications Newspaper Services	Vesely Martin
	CMKOS (Czech–Moravian Confederation of Trade Unions)	Miroslav Kosina
Other	<ul style="list-style-type: none"> <li>– <a href="http://www.worker-participation.eu">http://www.worker-participation.eu</a></li> <li>– questionnaire reply</li> <li>– Labour Code</li> <li>– Ministry of Labour and Social Affairs, "National Policy on Occupational Safety and Health in the Czech Republic". 2008.</li> </ul>	